

Prob12B
(7/93)

**United States District Court
for the District of Massachusetts**

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Frank Fagone

Case Number: 06-CR-10242

Name of Sentencing Judicial Officer: The Honorable Rya W. Zobel, Senior U.S. District judge

Date of Original Sentence: February 6, 2008

Original Offense: Conspiracy to Possess with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 846; Distribution of Heroin, in violation of 21 U.S.C. § 841(a)(1); Possession of Heroin with Intent to Distribute, in violation of 21 U.S.C. § 841(a)(1); Possession of Cocaine with Intent to Distribute, in violation of 21 U.S.C. § 841(a)(1)

Original Sentence: 120 Months of Imprisonment followed by 72 Months of Supervised Release

Type of Supervision: Supervised Release

Date Supervision Commenced: August 29, 2015

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years
☒ To modify the conditions of supervision as follows:

The defendant will enter a Residential Reentry Center for a term of up to six months or until such time that he identified a release address approved by the U.S. Probation office. While residing at the Residential Reentry Center, the defendant will abide by all program rules and regulations.

CAUSE

Frank Fagone was released from state custody to a federal detainer on February 25, 2016 after he posted \$5,000 cash bail on a pending criminal case in the Orleans District Court. Mr. Fagone made an Initial Appearance before the Honorable Jennifer C. Boal, Chief U.S. Magistrate Judge on February 25, 2016 and agreed to voluntary detention pending a Final Revocation Hearing that has been scheduled for March 2, 2016 at 9:30. The probation office has proposed a modification for the defendant to enter the Coolidge House as a possible resolution to the pending violation matter. Mr. Fagone and his attorney, Joshua Hayne, were amenable to this modification. In an effort to attempt to secure a bed at the Coolidge House as soon as possible, the probation department is submitting this 12B Petition and has attached a signed probation Form 49 for the Court's review. If Your Honor is amenable to this modification, and endorses this order, the Probation Department will attempt to secure a bed at the Coolidge house as a soon as possible.

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Reviewed/Approved by:

/s/ Basil F. Cronin

Basil F. Cronin
Supervising U.S. Probation Officer

Respectfully submitted,

By /s/ Jeffrey R. Smith
Jeffrey R. Smith
Supervising U.S. Probation Officer
Date: February 26, 2016

THE COURT ORDERS

- ☐ No Action
☐ The Extension of Supervision as Noted Above
☒ The Modification of Conditions as Noted Above
☐ Other

Rya W. Zobel
The Honorable Rya W. Zobel
Senior U.S. District Judge

March 2, 2016
Date